

REMARKS

The Examiner objected to the drawings as not showing all of the claimed elements. The drawings as now amended show the elements in the claims as now amended.

In section 3, the Examiner rejected the apparatus claims 1-14 as using too much functional language, indicating that the features in such claims must distinguish the prior art by the elements themselves.

As now amended, the apparatus claims include elements that are not so functionally described.

Independent claims, 1, 8, 15 and 19 have been amended to better indicate the inventive apparatus and process. Graphical user interface (GUI) and web pages have been replacing some complex wordings. GUI and web pages have become common, well known terms in the art. No new matter is added as GUI (page 8, line 15) and web page (page 8, line 3) are found in the original application. Please note that the amendment is directed toward citing structural elements that are found in the original claims but structured in a functional manner. New structure is not added to the claims. For example, paraphrasing the original claim 1 section "c." as: "instructions executable on the client machine for rendering an interface thereon, the interface facilitation designation of the order, designation of a contact and entry of a message." This is actually sending the web page to the user's graphical interface, whereupon the user may select and place an order and compose or select a message to be sent to a selected contact. The present claim 1, as amended, cites the same "elements" but in structure form, as follows:

a graphical user interface suitable for displaying a web page provided by the server, the graphical user interface attached to the client machine;  
an order designated and entered via the graphical user interface, the order designating at least one product from a list of products accessed via the graphical user interface;  
a message pertaining to the order and entered via the graphical user interface for transmitting to at least one of the contacts,

The apparatus and software to send and receive web pages and inputs via a GUI from a remote client to a server over the Internet are well known, as I am sure the Examiner would agree.

Claim 8 has been amended in a similar manner so that the structure is claimed.

In addition claims 15 and 19 have been changed to mirror the clearer language of the amended claims 1 and 8.

Claims 8, 10-14, 19, and 21-25 were rejected under 35 U.S.C. 102(a) as anticipated by a U.S. patent to Harrington, no. 5,895,454 ('454).

Claims 1-7, 9, 15-18, and 20 were rejected under 35 103(a) as suggested by the '454 reference and a U.S. patent to Kanter, no. 5,537,314 ('314).

The Examiner on page 5 of the Office Action describes his application of the '454 and the '314 references. The rejection of the claims based on these references is respectfully traversed.

The original and the amended claims, 1, 8, 15 and 19 each included a limitation of a "message pertaining to the order" (or "to the at least one selected product" in claim 8) in the apparatus claims. In the method claims 15 and 19 the message is entered and transmitted. So the words have been modified for better clarity but this distinguishing element is found in the original claims.

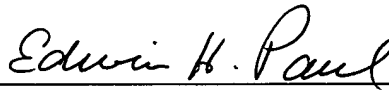
After careful reading, the '454 patent does not suggest any such message composed and/or selected by the purchaser/user/customer for sending to his designated contacts with the hope that the message may prompt the contacts to purchase a product.

The '314 reference does not help. The '314 does reward customers if their contacts make purchases, but there is no suggestion that the customers send personal or other such messages to their contacts to prompt their buying.

The independent claims are allowable and so the dependent claims are allowable, and a notice of allowance would be appreciated. Please call me at my direct telephone number below if there are any other questions or concerns.

Please charge any additional fee occasioned by this paper to our Deposit Account No. 03-1237.

Respectfully submitted,



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MARK-UP PAGES FOR THE JULY 19, 2002,  
AMENDMENT TO  
U.S. PATENT APPLICATION SER. NO.  
09/519,197

*The replacement for claim CLAIM resulted from the following changes:*

Claim 1. (amended) An electronic commerce system for communicating with purchasers via a client machine connected to a global computer network, the system comprising:

~~a~~ a server, connected to the global computer network, for receiving and processing orders placed remotely by the purchaser, each order comprising a product;

~~b~~ a database, accessible to the server, ~~comprising a record identifying (i) storing identity of the purchaser, (ii) a plurality of contacts designated by the purchaser, and (iii) contact information facilitating communication with the contacts;~~

a graphical user interface suitable for displaying a web page provided by the server, the graphical user interface attached to the client machine

an order designated and entered by the purchaser via the graphical user interface,

a message pertaining to the order and entered by the purchaser via the graphical user interface for transmitting to at least one of the contacts, and

a reward for the purchaser if the at least one designated contact subsequently purchases the product.

~~c. instructions executable on the client machine for rendering an interface thereon, the interface facilitating (i) designation of the order, (ii) designation of at least one of the contacts, and (iii) entry of a message pertaining to the order; and~~

~~d. a network interface for transmitting the rendering instructions to the client machine via the network,~~

wherein

~~e. the server is responsive to the interface so as to (i) facilitate fulfillment of the order and (ii) transmit the message to the at least one designated contact, the server further monitoring whether the at least one designated contact subsequently purchases the product to facilitate reward of the purchaser.~~

Claim 8. (amended) An electronic commerce system for communicating with a user via a client machine connected to a global computer network, the system comprising:

~~a~~-a server connected to the global computer network;

~~b~~-a database, accessible to the server, ~~comprising a record identifying (i) storing the identity of the user, (ii) a plurality of contacts designated by the user, and (iii) contact information facilitating communication with the contacts;~~

a graphical user interface suitable for displaying a web page provided by the server, the graphical user interface attached to the client machine;

an order designated and entered via the graphical user interface, the order designating at least one product from a list of products accessed via the graphical user interface;

a message pertaining to the order and entered via the graphical user interface for transmitting to at least one of the contacts; and wherein

~~c. instructions executable on the client machine for rendering an interface thereon, the interface facilitating (i) selection of at least one product from a list of products embedded in or accessed by execution of the instructions, (ii) designation of at least one of the contacts, and (iii) entry of a message pertaining to the at least one selected product; and~~

~~d. a network interface for transmitting the rendering instructions to the client machine via the network,~~

~~wherein~~

~~e. the server is responsive to the interface so as to transmit~~ transmits the message to the at least one ~~designated~~ contact.

Claim 15. (amended) A method of facilitating referral-based electronic commerce, the method comprising the steps of:

~~a. receiving and processing orders placed remotely by a purchaser via a client machine connected to a global computer network, each order comprising a product;~~

~~b. storing a record identifying (i) the purchaser, (ii) a plurality of contacts designated by the purchaser, and (iii) contact information facilitating communication with the contacts;~~

displaying a web page to the purchaser;

~~c. causing the client machine to render an interface, the interface facilitating (i) designation of the~~ via the web page, the purchaser designating an order, (ii) designation of designating at least one of the contacts, and ~~(iii) entry of~~ entering a message pertaining to the order;

~~d. fulfilling the order;~~

~~e. transmitting the message to the at least one designated contact; and~~

~~f. monitoring whether the at least one designated contact subsequently purchases the product and, if so;~~

~~-rewarding the purchaser.~~

Claim 19. (amended) A method of facilitating referral-based electronic commerce, the method comprising the steps of:

~~a-~~communicating with a user via a client machine connected to a global computer network;

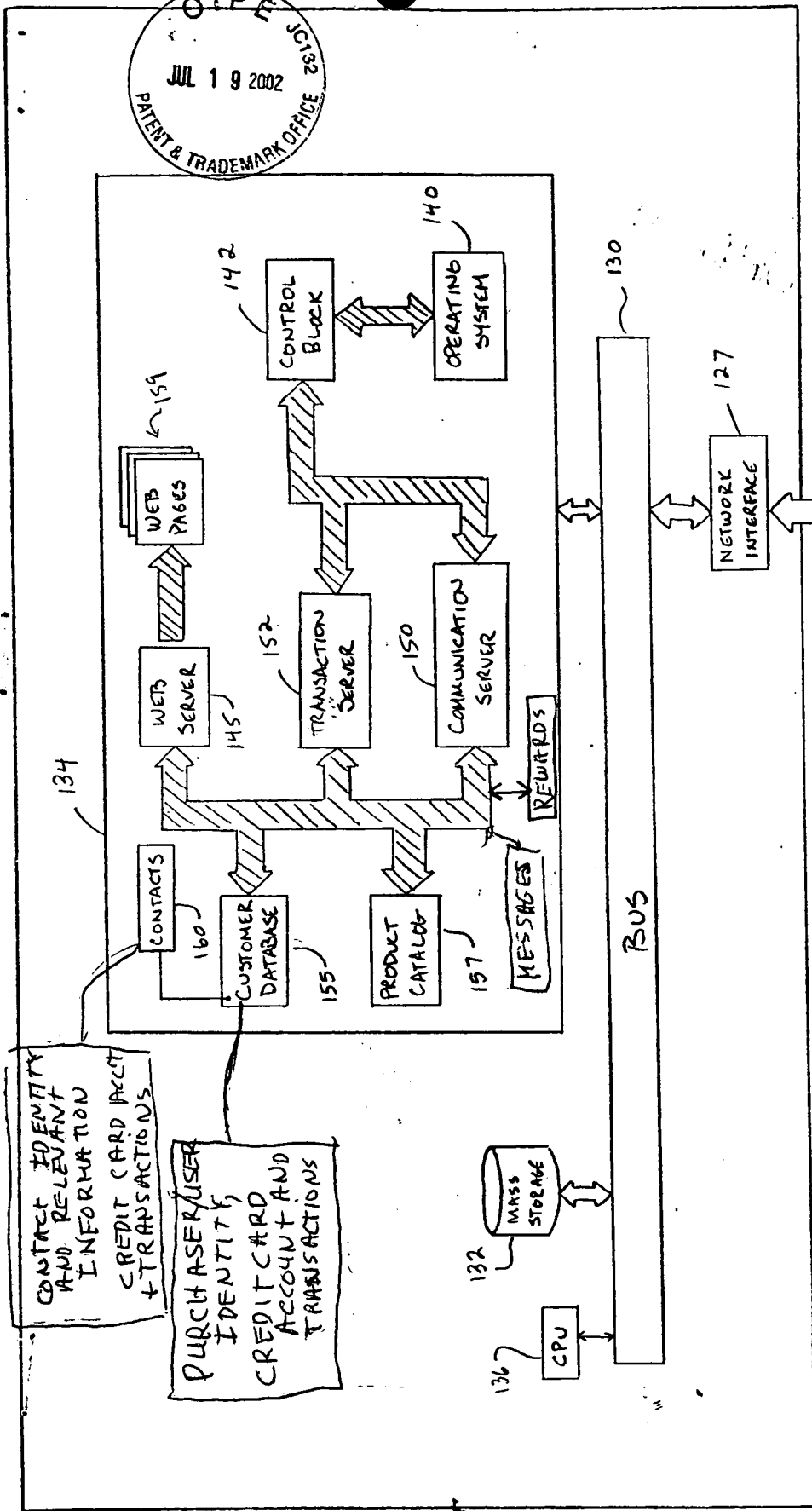
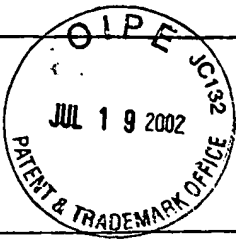
~~b-~~storing a record identifying ~~(i)-~~the user, ~~(ii)-~~a plurality of contacts designated by the user, and ~~(iii)-~~contact information facilitating communication with the contacts;

displaying a web page to the user, and via the web page;

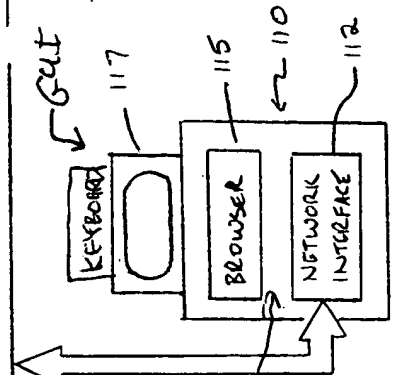
~~c-~~ ~~causing the client machine to render an interface, the interface facilitating (i) selection~~  
selecting of at least one product from a list of products embedded in or accessed by ex-  
ecution from the web page;

designating of the instructions, (ii) designation of at least one of the contacts, and  
entering (iii) entry of a message pertaining to the at least one selected product; and

~~d-~~transmitting the message to the at least one designated contact.



INTERNET



CLIENT

ORDER/PRODUCTS  
SELECTED,  
MESSAGE  
SELECTED OR  
COMPOSED

OTHER  
CLIENTS

Fig. 1

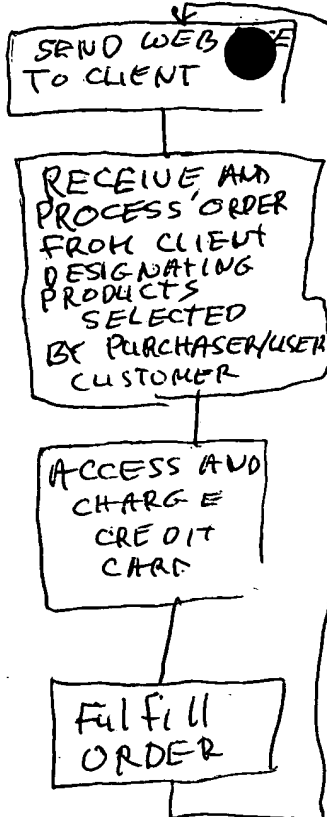
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GROUP 3600





START

RECEIVE AND PROCESS ORDER 200

CONSULT CUSTOMER DATABASE 205

OBTAIN OR ACCESS CONTACT INFORMATION 210

SELECT CONTACTS 215

ENTER OR CHOOSE MESSAGE 220

UPDATE CUSTOMER RECORD 225

SEND MESSAGES 230

PURCHASE BY CONTACT(S)? 235

END

OFF-ORDER MESSAGE 240

DETERMINE REWARD FOR PURCHASER/USER CUSTOMER

CHARGE/UPDATE CONTACT CREDIT CARD ACCOUNT

MONITOR

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GROUP 36

Fig. 2